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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tsutomu Baba

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EXAMINER

PHAM, BRENDA H

ART UNIT

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2616

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,746	Applicant(s) BABA, TSUTOMU	
	Examiner BRENDA PHAM	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,9-12,17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8,13-16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the Restriction Requirement dated February 4, 2008. Applicant elects for prosecution, the invention II, Claims 5-8, 13-16, 18 and 20. Claims 1-4, 9-12, 17 and 19 are withdrawn from consideration.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a computer system comprising a host computer; a device driver; a universal serial bus communication line and a human interface device (HID) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 13-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihara (US 7,050,455 B2) in view of Applicant’s Admitted Prior Art (AAPA).

With respect to independent claims 5 and 13, Nishihara discloses a universal serial bus (USB) communication method comprising:

determining in advance a communication data format between communications devices (**FIG. 5D shows communication data format in advance according to protocol, IPv4, IPv6, STM, ATM, OAM, etc.)** so that a packet formed by a communication data format includes a report ID that indicates a presence or an absence of a succeeding packet and transmission data (**FIG. 5B shows a frame mode indicates whether there is a presence or an absence of a succeeding packet, (BOM, COM or EOM), also see FIG. 9)**;

adding, at the time of transmission, the report ID indicating the presence or the absence of the succeeding packet to the transmission data at the head portion of the packet to be transmitted; and

transmitting the packet with the report ID **(Nishihara teaches "The layer 1 frame header includes a "Packet Length", a "Priority" identifier, a "Protocol" identifier indicating the type of the data, a "Frame Mode" identifier, a :Stuff" identifier indicating whether or not stuff" data is contained in the layer 1 frame and a "Header CRC" identifier. See Abstract).**

Although Nishihara does not teach a universal serial bus (USB) communication line for a human interface device (HID) specification which connects the host computer and the device driver, such communication system is well known in the art and is disclosed by Applicant's Admitted Prior Art.

AAPA disclose a Human Interface Device "HID" and a computer system provided with a USB communication line for the HID specification. AAPA teaches "The HID specification and the HID devices are conventionally known. When communicating based on the USB-HID specification, one byte at the head of a report used in a communication is used as a "report ID".

Implementing the teaching of Nishihara in the AAPA communications system which causes the reduction of the data processing capacity in the AAPA communication system, therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the method of Nishihara in the AAPA communication system.

With respect to claims 6 and 14, Nishihara further teaches setting in advance, the packet consisting of the report ID and the transmission data to be a predetermined size **“The layer 1 frame header includes a “Packet Length”. The “Packet Length” field (identifier) indicates the length of the packet (i.e. the payload of the frame);**

setting in advance, an ID code "presence" which indicates the presence of the succeeding packet and an ID code "absence" which indicates the absence of the succeeding packet;

adding, at the time of transmission, the ID code based on the presence or the absence of the succeeding packet to the transmission data at the head portion of the packet to be transmitted (**a “Frame Mode” identifier indicates the presence or absence of the succeeding packet**); and

transmitting the packet with the ID code.

With respect to claims 7 and 15, Nishihara further discloses filling a remaining blank portion with dummy data in the packet having the ID code "absence"; and transmitting the packet having a data length of the predetermined size.

“if the length M of the stored EOM frame is shorter than the best effort IP transfer space length L and if the EOM frame length M and a minimal dummy frame length D added together ($M+D$) is equal to the best effort IP transfer space length L , the stored EOM frame is transmitted as an EOM frame and thereafter a minimal dummy frame is transmitted.”.

With respect to claims 8 and 16, Nishihara further teach wherein the device driver is a card reader, and when the packet is transmitted from the card reader to the host computer, the ID code is added to the packet based on the presence (BOM, COM) or the absence of the succeeding packet (EOM) at the head portion of the packet to be transmitted and the packet is transmitted with the ID code. (See abstract).

With respect to claims 18 and 20, wherein the size of the packet is determined as a number of bytes, ("the length of the variable-length layer 1 frame payload is set between 0Kbyte to 64 Kbytes).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

March 13, 2008

/Brenda Pham/

Primary Examiner, Art Unit 2616